

TITLE 8 DEVELOPMENT CODE
DIVISION 10: SOIL AND WATER CONSERVATION
CHAPTER 2: EROSION AND SEDIMENT CONTROL.
Sections:

| | |
|----------|---|
| 810.0201 | Purpose. |
| 810.0205 | Scope. |
| 810.0210 | General Provisions. |
| 810.0215 | Project Design Considerations. |
| 810.0220 | Soil Erosion and Sediment Control Plan. |
| 810.0225 | Runoff Control. |
| 810.0230 | Land Clearing. |
| 810.0235 | Winter Operations. |
| 810.0240 | Continued Responsibility. |
| 810.0245 | Exemptions. |
| 810.0250 | Variances. |
| 810.0260 | Inspection and Compliance. |
| 810.0265 | Applicable Laws and Regulations. |
| 810.0270 | Appeals. |
| 810.0275 | Subject Areas. |

810.0201 Purpose.

The purpose of this chapter is to eliminate and prevent conditions of accelerated erosion that have led to, or could lead to, degradation of water quality, loss of fish habitat, damage to property, loss of topsoil and vegetation cover, disruption of water supply, increased danger from flooding and the deposition of sediments and associated nutrients.

Readopted Ordinance 3341 (1989)

810.0205 Scope.

This chapter requires control of all existing and potential conditions of human-induced accelerated erosion within specified County areas, which are within or adjacent to mountains and hillsides. This chapter sets forth required provisions for project planning, preparation of erosion control plans, runoff control, land clearing and winter operations and establishes procedures for administering those provisions.

Readopted Ordinance 3341 (1989)

810.0210 General Provisions.

(a) No person shall cause or allow the continued existence of a condition on any site that is causing or is likely to cause accelerated erosion as determined by the Building Official.

(b) Upon notification by the Building Official, the responsible person, shall take all appropriate measures to control erosion on the site specified in the notification within a reasonable period of time as determined by the Building Official.

(c) The Building Official may require that a property owner whose property has been cited in accordance with Subsection 810.0210(b) file and obtain approval of a Soil Erosion and Sediment Control Plan and/or Permit in accordance with Section 810.0220.

(d) The Building Official may direct that any particular operation, process or construction be stopped during periods of inclement weather if he or she determines that erosion problems are not adequately being controlled.

Readopted Ordinance 3341 (1989)

810.0215 Project Design Considerations.

The following shall be incorporated into design considerations of all land use projects that are subject to the provisions of this chapter:

(a) Identify building and access construction envelopes and identify areas which will not be disturbed by construction activity in order to minimize disturbance of erodible areas of any proposed development site.

(b) The preservation of existing streams and drainage courses in their natural condition in order to retain their ability to accommodate runoff and water drainage with a minimum of erosion.

(c) All appropriate measures that can be addressed at the time of the proposed land use decision that will facilitate the preparation of an adequate Soil Erosion and Sediment Control Plan and/or Permit measures as specified by this chapter.

Readopted Ordinance 3341 (1989)

810.0220 Soil Erosion and Sediment Control Plan.

(a) No land clearing or grading other than those activities listed as exemptions by this chapter or as determined by the Building Official shall occur unless the said land clearing or grading is in compliance with an approved Soil Erosion and Sediment Control Plan and/or Permit issued in accordance with the provisions of this chapter.

(b) A Soil Erosion and Sediment Control Plan shall be submitted and approved in accordance with the provisions of this chapter prior to the issuance of building permits, soil erosion and sediment control permits, grading permits or any other permit where, in the opinion of the Building Official, erosion can reasonably be expected to occur.

(c) Soil Erosion and Sediment Control Plans shall include the measures required by this chapter. Additional measures or modifications of proposed measures may be required by the Building Official prior to the approval of a Soil Erosion and Sediment Control Plan.

(d) Authority. The Building Official shall specify the application requirement for Soil Erosion and Sediment Control Plans and Permits including, but not limited to:

(1) Requirements for the submittal of plans and supporting data to accompany applications for Soil Erosion and Sediment Control Plans and/or Permits;

(2) Licensing and/or certification requirements for those preparing Soil Erosion and Sediment Control Plan and/or Permit submittals; and

(3) The incorporation and coordination of Soil Erosion Control Plans and/or Permits with other plan requirements.

(e) Exemptions. Applications for activities where the Building Official recognizes that no land disturbance will take place shall not be required to include a Soil Erosion and Sediment Control Plan and/or Permit. Such activities may include, but are not limited to:

(1) Change of use permits where there would be no expansion of land-disturbing activities.

(2) Construction within an existing structure.

Readopted Ordinance 3341 (1989)

810.0225 Runoff Control.

Runoff from activities subject to a development permit shall be properly controlled to prevent erosion. Erosion control and surface flow containment facilities shall be constructed and maintained to prevent discharge of sediment to surface waters or storm drainage systems. The following measures shall be used for runoff control, and shall be adequate to control runoff from a ten-year storm:

(a) Where soils having a permeability rate of more than two inches per hour, runoff in excess of predevelopment levels shall be retained on the site by methods and in quantities approved by the Building Official. This may be accomplished through the use of infiltration basins, percolation pits or trenches, or other suitable means. This requirement may be waived where the Building Official determines that high groundwater, slope stability problems, etc., would inhibit or be aggravated by on-site retention, or where retention will provide no benefits for groundwater recharge or erosion control.

(b) Where soils have a permeability rate of two inches per hour or less and on-site percolation is not feasible, runoff should be detained or dispersed over nonerodible vegetated surfaces so that the runoff rate does not exceed the predevelopment level. When the runoff rate must exceed the predevelopment level, the runoff water shall be discharged over nonerodible surfaces or at a velocity that will not erode. On-site detention shall be required by the Building Official unless the applicant shows that the runoff which is created will not contribute to downstream erosion, flooding or sedimentation.

(c) Any concentrated runoff which cannot be effectively dispersed over nonerodible channels or conduits to the nearest drainage course shall be contained within on-site percolation devices. Where water will be discharged to natural ground or channels, appropriate energy dissipators shall be installed to prevent erosion at the point of discharge.

(d) Runoff from disturbed areas shall be detained or filtered by berms, vegetated filter strips, catch basins, or other means as necessary to prevent the escape of sediment from the disturbed area.

(e) No earth, organic or construction material shall be deposited in or placed where it may be directly carried into a stream, lake, marsh, slough, lagoon or body of water.

(f) Where land-disturbing activities are in proximity to lakes or natural watercourses, a buffer zone is required along the land-water margin of sufficient width to confine visible siltation within twenty-five (25%) of the buffer zone nearest the land-disturbing activities.

Readopted Ordinance 3341 (1989)

810.0230 Land Clearing.

Land clearing shall be kept to a minimum. Vegetation removal shall be limited to that amount necessary for building, access, fire protection and construction as shown on the approved Soil Erosion and Sediment Control Plan or as allowed by the Building Official through a Soil Erosion and Sediment Control Permit.

(a) All disturbed surfaces shall be prepared and maintained to control erosion and to establish vegetative growth compatible with the area. This control shall consist of any one or a combination of the following:

(1) Effective temporary planting such as rye grass, or some other fast-germinating native seed, and/or mulching with straw, pine needles, chippings or other slope stabilization material.

(2) Permanent planting of compatible drought-resistant species of ground cover, shrubs, trees, or other vegetation.

(3) Mulching, fertilizing, watering or other methods necessary to establish new vegetation.

(b) The protection required by this section shall be installed prior to calling for final approval of the project and at all times between October 15 and April 15. Such protection shall be maintained for at least one year or until permanent protection is established.

(c) No land clearing activities except as otherwise allowed by this chapter shall take place prior to approval of the erosion control plan and/or permit. Vegetation removal between October 15 and April 15 shall not precede subsequent grading or construction activities by more than fifteen (15) days. During this period, erosion and sediment control measures shall be in place.

Readopted Ordinance 3341 (1989)

810.0235 Winter Operations.

(a) The Building Official shall only authorize the following between October 15 and April 15 when it is found that such projects comply with the provisions and are consistent with the purposes of this chapter:

(1) Contiguous land clearing operations involving greater than one acre in a one-year period of time.

(2) Major grading operations (greater than 100 cubic yards).

When construction will be delayed due to the limitation on winter operations, the date for expiration of the permit shall be extended by that amount of time that work is delayed by the requirements of this chapter.

(b) The Building Official and Director of Environmental Health Services shall stamp or attach the following statement to all development permits and plans issued within areas subject to the provisions of this chapter.

NOTICE: IF THE CONSTRUCTION ACTIVITY WILL EXTEND INTO THE WINTER OPERATIONS PERIOD (OCTOBER 15 THROUGH APRIL 15), ADDITIONAL SOIL EROSION AND SEDIMENT CONTROL MEASURES MAY BE REQUIRED.

ANY DEVELOPMENT PROJECT WHICH IS REQUIRED TO IMPLEMENT AN APPROVED SOIL EROSION CONTROL PLAN SHALL HAVE SUCH APPROVED PLAN AMENDED IF IT DOES NOT COMPLY WITH THE PROVISIONS ESTABLISHED FOR WINTER OPERATION BY SECTION 810.0535 OF THE SAN BERNARDINO COUNTY CODE. ALL REQUIRED WINTER OPERATION EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO OCTOBER 15 FOR ONGOING CONSTRUCTION PROJECTS AND PRIOR TO ANY CONSTRUCTION ACTIVITY FOR THOSE DEVELOPMENT PROJECTS COMMENCING BETWEEN OCTOBER 15 AND APRIL 15.

(c) The following winter operation measures shall be taken to prevent accelerated erosion. Additional measures may be required by the Building Official, when determined to be necessary by field inspection:

(1) Between October 15 and April 15, disturbed surfaces not involved in the immediate operation shall be protected by mulching or other effective means of soil protection.

(2) All roads and driveways shall have drainage facilities sufficient to prevent erosion on or adjacent to the roadway or on downhill properties. Erosion-resistant surfacing may include, but is not limited to slag, crushed rock or natural soil when compacted to ninety (90) percent of maximum density as determined by Test D1557-58T of the American Society for Testing and Materials for the top 12 inches.

(3) Runoff from a site shall be detained or filtered by berms, vegetated filter strips, or catch basins to prevent the escape of sediment from the site. These drainage controls shall be maintained by the permittee or property owner as necessary to achieve their purpose throughout the life of the project.

(4) Erosion control measures shall be in place at the end of each day's work.

Readopted Ordinance 3341 (1989)

810.0240 Continued Responsibility.

It shall be the responsibility of the property owner and the permittee to ensure that accelerated erosion does not occur from any activity during and after project construction. Additional measures, beyond those specified in an approved Soil Erosion and Sediment Control Plan, may be required by the Building Official as deemed necessary to control erosion after project completion.

Readopted Ordinance 3341 (1989)

810.0245 Exemptions.

(a) Conditions of accelerated erosion existing prior to adoption of this chapter are not exempted. The intent of this section is not to invalidate existing discretionary permits, but rather to prevent or mitigate accelerated erosion. The following work is exempted from all provisions of this chapter except Sections 810.0510, General Provisions, and 810.0520, Appeals.

(1) Agriculture Activities. Agricultural grading, routine agricultural activities such as plowing, harrowing, disking, ridging, listing, land planning and similar operations to prepare a field for a crop, including routine clearing to maintain existing rangeland.

(2) Timber Harvesting. Work done pursuant to a valid timber harvest permit.

(3) Quarrying. Quarrying done pursuant to a valid conditional use permit.

(4) Septic Systems and Wells. Work done pursuant to a valid permit for septic system installation and repair or well drilling; however, Subsections 810.0230(b), Land Clearing, and 810.0235(c), Winter Operations, shall apply, and sediment from these activities shall not be allowed to enter any stream or body of water.

(5) Soil Tests. Routine testing of soil type and characteristics to determine soil suitability, water percolation or similar soil tests; provided, however, that sediment from these activities shall not be allowed to enter any stream, drainage course or body of water.

(6) Resource Management. Clearing, fuel management, reforestation, erosion control or other resource management programs carried out under the auspices of a government agency which include appropriate erosion control measures. Agencies should notify the Building Official of such projects.

(7) Land Clearing for Fire Protection. Land clearing and vegetation clearance around structures as required by state and local fire codes and fire prevention guidelines. Land clearing exempted under the provisions of the subsection shall be limited to that required to comply with applicable fire codes and regulations.

(b) Road construction and maintenance as well as installation of utilities in accordance with plans and procedures approved by the San Bernardino County Director of Transportation and Flood Control or his designated representative are exempt from the provisions of this chapter provided that adequate measures, consistent with the intent of this chapter, have been taken to control erosion and the flow of sediment into lakes, streams and drainage courses.

Readopted Ordinance 3341 (1989)

810.0250 Variances.

A request for a variance from the provisions of this chapter, the permit conditions or the plan specifications may be approved, conditionally approved or denied by the Building Official. The Building Official may refer any variance request filed in accordance with the provisions of this section to the appeal authority as defined in Section 810.0570. A request for a variance must state in writing: the provision from which it is to be varied, the proposed substitute provisions, when it would apply, and its advantages. In granting a variance, the Building Official shall be guided by the following criteria:

(a) That there are special circumstances or conditions affecting the property.

(b) That the variance is necessary for the proper design and/or function of a reasonable project for the property.

(c) That adequate measures will be taken to ensure consistency with the purpose of this chapter.

Readopted Ordinance 3341 (1989)

810.0260 Inspection and Compliance.

The Building Official shall conduct inspections to ensure compliance with this Chapter.

(a) Inspection. The following inspections may be performed by the Building Official:

(1) Pre-Site Inspection. To determine the potential for erosion resulting from the proposed project.

(2) Operation Progress Inspections. To determine ongoing compliance.

(3) Final Inspection. To determine compliance with approved plans and specifications.

(b) Notification. The permittee shall notify the Building Official at least twenty-four (24) hours prior to the start of the authorized work, and also nine (9) business hours prior to any inspection requested by permittee or permittee's authorized agent.

(c) Right of Entry. The filing of an application for a development permit constitutes a grant of permission for the County to enter the permit area for the purpose of administering this chapter from the date of the application to the termination of the erosion control maintenance period.

Readopted Ordinance 3341 (1989)

810.0265 Applicable Laws and Regulations.

Any person doing work in conformance with this chapter must also abide by all other applicable local, state and federal laws and regulations. Where there is a conflict with other pre-existing County regulations, that conflict shall be resolved before the project is allowed to proceed.

Readopted Ordinance 3341 (1989)

810.0270 Appeals.

Any property owner or other person aggrieved, or any person whose interests are adversely affected by any act or determination of the Building Official under the provisions of this chapter, or by any act or determination of any other authorized employee charged with the administration and enforcement of this chapter, may appeal the act or determination to the Planning Commission.

Readopted Ordinance 3341 (1989)

810.0275 Subject Areas.

The provisions of this chapter shall apply to and be enforced in all areas within the Fire Safety (FS) Overlay District, except for ministerial projects within the FS2 and ministerial projects within the FS3 that are located on parcels that are less than one acre and that have a slope of less than ten percent (10%).

Readopted Ordinance 3341 (1989), Amended Ordinance 3918 (2004),